

S/N 09/316,515PATENT

#19  
B. Webb  
4/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David B. Krig et al. Examiner: George R. Evanisko  
 Serial No.: 09/316,515 Group Art Unit: 3762  
 Filed: May 21, 1999 Docket: 279.112US1  
 Title: METHOD AND APPARATUS FOR TREATING IRREGULAR VENTRICULAR  
 CONTRACTIONS SUCH AS DURING ATRIAL ARRHYTHMIA

RESPONSE UNDER 37 C.F.R. § 1.11

Commissioner for Patents  
 Washington, D.C. 20231

Applicant has reviewed the Office Action dated February 28, 2002. Detailed comments to the Office Action are found in the Remarks section below.

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on February 28, 2002, and the references cited therewith. No claims are amended, canceled, or added. As a result, claims 1-91 are pending in this application.

*Double Patenting Rejection*

Claims 1-91 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-71 of U.S. Patent No. 6,285,907. A Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to overcome this rejection.

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*§112 Rejection of the Claims*

Claims 1-27, 58-89, and 91 were rejected under the description and enablement requirements of 35 U.S.C. § 112, first paragraph for the claimed recursive computation of the first indicated pacing interval. Applicant respectfully traverses this rejection on the ground that such recursive computation of the first indicated pacing interval is inherently described and enabled by, among other things, the infinite impulse response (IIR) filter equations in the specification and the recursive feedback loop providing the "previous first indicated pacing